

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1679

**Introduced by Committee on Elections, Redistricting and
Constitutional Amendments (Longville (Chair), Jerome Horton,
Levine, and Nunez)**

February 21, 2003

An act to amend Sections 13, 302, 1303, 2187, 2194, 3103, 3304, 4101, 10405, 10411, 14105, 15641, 17502, 17503, ~~19005, and 21000~~ and 19005 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as amended, Committee on Elections, Redistricting and Constitutional Amendments. Elections: procedures.

(1) Existing law defines a “ballot card” and specifies the procedures that apply, and do not apply, to separate write-in ballots used in an election in which a punchcard voting system is used.

This bill would make a technical change by updating an applicable statutory cross reference in this provision.

(2) Existing law requires, generally, that a general election of special district governing board members be held on a specified date in November of each odd-numbered year, unless the principal act of the district provides that the election shall be held on another date set forth in specified code sections.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(3) Existing law requires counties to send certain voter registration data to the Secretary of State in accordance with a specified schedule. It requires the data to be sent not less than 10 days prior to the primary election or general election with respect to voters registered before the 28th day prior to the primary election or general election, respectively, among other things. Existing law, however, allows voters to register up to the 14th day prior to an election.

This bill would instead make a technical change by instead requiring the data to be sent not less than 7 days prior to the primary or general election with respect to voters registered before the 14th day prior to the primary or general election.

(4) Existing law requires that specified voter registration card information, including the voter's home address, be confidential and not be made routinely available to the public. Disclosure of the voter's home address may be made for limited purposes, including whenever a person's vote is challenged pursuant to specified provisions of law.

This bill would make a technical change by updating certain applicable statutory cross-references in this provision.

(5) Existing law permits a voter to write the name of a candidate for any public office on the ballot of an election, with certain requirements.

This bill would make technical changes by updating applicable statutory cross-references in these provisions.

(6) Existing law requires the elections official, for a mail ballot election, to mail the combined sample ballot and mail ballot during a specified time period before the election, notwithstanding specified statutory provisions.

This bill would make a technical change by updating certain applicable statutory cross-references in this provision.

(7) Existing law authorizes the Registrar-Recorder of the County of Los Angeles and the Registrar of Voters of Orange County, by county agreement, each to perform on behalf of the other duties relating to the conduct of an election of governing board members for any school district whose territory lies within both counties, where the election is consolidated with a primary, municipal, or general election under a specified provision of law.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(8) Existing law requires, under specified circumstances, that where an election called by the legislative body of a city is consolidated with



an election held in the county in which the city is located, the canvass of the election be made in accordance with specified provisions of law.

This bill would make a technical change by updating a cross-reference to an applicable article of law in this provision.

(9) Existing law requires the elections official, on election day, to furnish to precinct officers specified precinct supplies, including instruction cards for voters containing specified provisions of law. It also requires the elections official to supply a sufficient number of ink pens or pencils for the purpose of permitting voters to write in on the ballot the name of a candidate who has qualified to have his or her name counted under specified provisions of law.

(10) This bill would make technical changes by updating applicable statutory cross-references in these provisions.

(11) Existing law requires that, where the district attorney petitions the court for a public recount of ballots tabulated by a voting system, a specified provision of law requiring the computer vote count program be returned to the county elections official within specified time periods shall apply unless the court orders the program held pending the conclusion of litigation challenging the outcome of the election.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(12) Existing law requires the elections official, for a specified time period, to preserve certain records for certain federal elections, and for certain state or local elections, including an order appointing members of precinct boards and designating polling places as required by a specified provision of law.

This bill would make a technical change by updating an applicable statutory cross-reference in these provisions.

(13) Existing law provides that in the case of electrical failure or other emergency affecting a voting system, the elections official may direct that the ballots be marked by pencil or ink, and may duplicate the voted ballot cards as provided in a specified provision of law and count the voted ballots pursuant to a specified article of law.

This bill would make technical changes by updating applicable cross-references to a statutory provision and an article of law in this provision.

~~(14) Existing law requires the county elections official to make available to the Legislature any information and statistics that may be necessary for use in connection with the reapportionment of legislative districts, including, among other things, election returns for each~~

~~precinct, in a format specified by a provision of law that has been repealed.~~

~~This bill would make a corresponding technical change by deleting the requirement for the provision of election returns by precinct in the format specified by the now-repealed provision of law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13 of the Elections Code is amended to
2 read:

3 13. (a) No person shall be considered a legally qualified
4 candidate for any office or party nomination for a partisan office
5 under the laws of this state unless that person has filed a declaration
6 of candidacy or statement of write-in candidacy with the proper
7 official for the particular election or primary, or is entitled to have
8 his or her name placed on a general election ballot by reason of
9 having been nominated at a primary election, or having been
10 selected to fill a vacancy on the general election ballot as provided
11 in Section 8806, or having been selected as an independent
12 candidate pursuant to Section 8304.

13 (b) Nothing in this section shall be construed as preventing or
14 prohibiting any qualified voter of this state from casting a ballot
15 for any person by writing the name of that person on the ballot, or
16 from having that ballot counted or tabulated, nor shall any
17 provision of this section be construed as preventing or prohibiting
18 any person from standing or campaigning for any elective office
19 by means of a “write-in” campaign. However, nothing in this
20 section shall be construed as an exception to the requirements of
21 Section 15341.

22 (c) It is the intent of the Legislature, in enacting this section, to
23 enable the Federal Communications Commission to determine
24 who is a “legally qualified candidate” in this state for the purposes
25 of administering Section 315 of Title 47 of the United States Code.

26 SEC. 2. Section 302 of the Elections Code is amended to read:

27 302. “Ballot card” means a card or a number of cards upon
28 which are printed, or identified by reference to the ballot, the
29 names of candidates for nomination or election to one or more
30 offices or the ballot titles of one or more measures. The ballot card

1 shall also contain proper blank spaces to allow the voter to write
2 in names not printed on the ballot unless a separate write-in ballot
3 is used. The separate write-in ballot may be a paper ballot, a card,
4 or the envelope used to enclose a ballot card. Determination of the
5 format of a separate write-in ballot shall be within the discretion
6 of the elections board. The separate write-in ballot shall provide
7 a blank space followed by the word “office” and a second blank
8 space followed by the word “name” for purposes of facilitating
9 write-in votes for offices for which write-in votes may be cast, or
10 may provide a space for writing in the name followed by a space
11 for punching or slotting in order that the vote may be tabulated. All
12 separate write-in ballots may, in the discretion of the elections
13 board, have attached thereto two stubs that comply with Section
14 13261 regarding the stubs attached to a ballot card, except that the
15 information required under subdivisions (c) through (g) of Section
16 13261 and instructions to voters on how to vote for persons whose
17 names do not appear on the ballot may be printed on the write-in
18 ballot and not upon a stub. Any serial numbers appearing on the
19 write-in ballot stubs need not be identical to the serial numbers
20 appearing on the stubs attached to the ballot card or cards handed
21 to the voter. Sections 13002 through 13007 shall not apply to the
22 preparation and composition of separate write-in ballots
23 authorized by this section. Sections 14403 and 14404 shall not
24 apply to separate write-in ballots used in an election in which a
25 punchcard voting system is used.

26 SEC. 3. Section 1303 of the Elections Code is amended to
27 read:

28 1303. (a) Unless the principal act of a district provides that an
29 election shall be held on one of the other dates specified in Chapter
30 1 (commencing with Section 1000) of Division 1, or except as
31 provided in Section 1500, or except as provided in subdivision (b),
32 a general district election to elect members of the governing board
33 shall be held in each special district subject to Division 10
34 (commencing with Section 10000) on the first Tuesday following
35 the first Monday in November of each odd-numbered year.

36 (b) Notwithstanding any other provision of law, a governing
37 body of a special district may require, by resolution, that its
38 elections of governing body members be held on the same day as
39 the statewide general election. The resolution shall become



1 operative upon the approval of the board of supervisors pursuant
2 to Section 10404.

3 SEC. 4. Section 2187 of the Elections Code is amended to
4 read:

5 2187. (a) Each county elections official shall send to the
6 Secretary of State, in a format described by the Secretary of State,
7 a summary statement of the number of voters in the county. The
8 statement shall show the total number of voters in the county, the
9 number registered as affiliated with each qualified political party,
10 the number registered in nonqualified parties, and the number who
11 declined to state any party affiliation. The statement shall also
12 show the number of voters, by political affiliations, in each city,
13 supervisorial district, Assembly district, Senate district, and
14 congressional district located in whole or in part within the county.

15 (b) The Secretary of State, on the basis of the statements sent
16 by the county elections officials and within 30 days after receiving
17 those statements, shall compile a statewide list showing the
18 number of voters, by party affiliations, in the state and in each
19 county, city, supervisorial district, Assembly district, Senate
20 district, and congressional district in the state. A copy of this list
21 shall be made available, upon request, to any elector in this state.

22 (c) Each county that uses data processing equipment to store
23 the information set forth in the affidavit of registration shall send
24 to the Secretary of State one copy of the magnetic tape file with the
25 information requested by the Secretary of State. Each county that
26 does not use data processing storage shall send to the Secretary of
27 State one copy of the index setting forth that information.

28 (d) The summary statements and the magnetic tape file copy or
29 the index shall be sent at the following times:

30 (1) On the 135th day before each presidential primary and
31 before each direct primary, with respect to voters registered on the
32 154th day before the primary election.

33 (2) Not less than 50 days prior to the primary election, with
34 respect to voters registered on the 60th day before the primary
35 election.

36 (3) Not less than 7 days prior to the primary election, with
37 respect to voters registered before the 14th day prior to the primary
38 election.

1 (4) Not less than 50 days prior to the general election, with
2 respect to voters registered on the 60th day before the general
3 election.

4 (5) Not less than 7 days prior to the general election, with
5 respect to voters registered before the 14th day prior to the general
6 election.

7 (6) On or before March 1 of each odd-numbered year, with
8 respect to voters registered as of February 10.

9 (e) The Secretary of State may adopt regulations prescribing
10 the content and format of the magnetic tape file or index referred
11 to in subdivision (c) and containing the registered voter
12 information from the affidavits of registration.

13 (f) The Secretary of State may adopt regulations prescribing
14 additional regular reporting times, except that the total number of
15 reporting times in any one calendar year shall not exceed 12.

16 (g) The Secretary of State shall make the information from the
17 magnetic tape files or the printed indexes available, under
18 conditions prescribed by the Secretary of State, to any candidate
19 for federal, state, or local office, to any committee for or against
20 any proposed ballot measure, to any committee for or against any
21 initiative or referendum measure for which legal publication is
22 made, and to any person for election, scholarly or political
23 research, or governmental purposes as determined by the
24 Secretary of State.

25 SEC. 5. Section 2194 of the Elections Code is amended to
26 read:

27 2194. (a) The voter registration card information identified
28 in subdivision (a) of Section 6254.4 of the Government Code:

29 (1) Shall be confidential and shall not appear on any computer
30 terminal, list, affidavit, duplicate affidavit, or other medium
31 routinely available to the public at the county elections official's
32 office.

33 (2) Shall be provided with respect to any voter, subject to the
34 provisions of Section 2188, to any candidate for federal, state, or
35 local office, to any committee for or against any initiative or
36 referendum measure for which legal publication is made, and to
37 any person for election, scholarly, journalistic, or political
38 purposes, or for governmental purposes, as determined by the
39 Secretary of State.

(b) The home address of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or 14240 to 14253, inclusive. The address shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(c) A governmental entity, or officer or employee thereof, may not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

SEC. 6. Section 3103 of the Elections Code is amended to read:

3103. (a) Notwithstanding any other provision of the law, a special absentee voter who qualifies pursuant to this section may apply for a special absentee voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If a special absentee voter submits an application containing a statement that provides that due to military or other contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as a special absentee voter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3100. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day,

1 special absentee voter ballots shall be secured separately in a
2 sealed ballot box reserved for that purpose.

3 (e) In the event that a voter executes a special absentee ballot
4 pursuant to this section and the military or other contingency does
5 not exist during the normal absentee voting period, that voter may
6 make an application for an absentee ballot pursuant to Sections
7 3100 and 3101. If an application is made pursuant to this
8 subdivision, the elections official shall reject the voted ballot
9 previously cast and process the application in accordance with
10 Chapter 1 (commencing with Section 3000).

11 (f) Notwithstanding any other provision of law, a special
12 absentee voter who qualifies pursuant to this section may, by
13 facsimile transmission, register to vote and apply for an absent
14 voter's ballot. Upon request, the elections official shall send to the
15 qualified special absentee voter either by mail or facsimile
16 transmission the special absentee ballot or, if available, an absent's
17 voter ballot pursuant to Chapter 1 (commencing with Section
18 3000).

19 SEC. 7. Section 3304 of the Elections Code is amended to
20 read:

21 3304. (a) A voter described in Section 3302 may apply for an
22 absent voter ballot. Any application made pursuant to this section
23 that is received by the elections official prior to the 60th day before
24 the election shall be kept and processed on or after the 60th day
25 before the election.

26 (b) If the voter submits an application containing a statement
27 that provides that due to contingencies that preclude normal mail
28 delivery, as specified by the voter, the voter cannot vote an
29 absentee ballot during the normal absentee voting period, and the
30 voter is otherwise qualified to vote as provided in this chapter, the
31 elections official shall immediately send the voter a ballot in a
32 form prescribed and provided by the Secretary of State, or a ballot
33 and voter registration card if required by Section 3307. The
34 elections official shall send with the ballot a list of all candidates
35 who have qualified for the ballot by the 60th day before the
36 election and for whom the voter is qualified to vote. The voter shall
37 be entitled to write in the name of any specific candidate seeking
38 the nomination or election to any office listed on the ballot.

1 (c) Notwithstanding Section 15341 or any other provision of
2 law, any name written upon a ballot for a particular office pursuant
3 to subdivision (b) shall be counted for the office or nomination.

4 (d) The elections official shall receive and canvass the absent
5 voter ballots described in this section under the same procedure as
6 other absent voter ballots, insofar as that procedure is not
7 inconsistent with this section, except that prior to election day, the
8 absent voter ballots described in this section shall be secured
9 separately in a sealed ballot box reserved for that purpose.

10 SEC. 8. Section 4101 of the Elections Code is amended to
11 read:

12 4101. Notwithstanding Sections 13300 and 13303, the
13 elections official shall not commence to mail the combined sample
14 ballot and mail ballot prior to the 29th day before the election and
15 shall complete the mailing by the 10th day before the election.

16 SEC. 9. Section 10405 of the Elections Code is amended to
17 read:

18 10405. Notwithstanding any other provision of law, the
19 Registrar-Recorder of the County of Los Angeles and the Registrar
20 of Voters of Orange County may, pursuant to agreement between
21 those counties, perform, either on behalf of the other, any and all
22 duties relating to the conducting of the election, the counting of
23 votes, and any other election procedures to the extent that those
24 duties are for the conduct of an election of governing board
25 members for any school district whose territory lies within both the
26 County of Los Angeles and Orange County, pursuant to the
27 consolidation of that election with a primary, municipal, or general
28 election under Sections 1302 and 10404.5.

29 SEC. 10. Section 10411 of the Elections Code is amended to
30 read:

31 10411. In case of the consolidation of any election called by
32 the legislative body of a city, district or other political subdivision
33 with an election held in the county or counties in which the city,
34 district or other political subdivision is situated, the governing
35 body of the city, district or other political subdivision may
36 authorize the board of supervisors to canvass the returns of the
37 election. If this authority is given:

38 (a) The election shall be held in all respects as if there were only
39 one election.

40 (b) Only one form of ballot shall be used.

1 (c) The returns of the election need not be canvassed by the
2 legislative body of the authorizing city, district or other political
3 subdivision.

4 If such authority is given to the board of supervisors, the canvass
5 shall be made in accordance with Article 5 (commencing with
6 Section 15270) of Chapter 3 of Division 15.

7 SEC. 11. Section 14105 of the Elections Code is amended to
8 read:

9 14105. The elections official shall furnish to the precinct
10 officers all of the following:

11 (a) Printed copies of the indexes.

12 (b) Necessary printed blanks for the roster, tally sheets, lists of
13 voters, declarations, and returns.

14 (c) Envelopes in which to enclose returns.

15 (d) Not less than six nor more than 12 instruction cards to each
16 precinct for the guidance of voters in obtaining and marking their
17 ballots. On each card shall be printed necessary instructions and
18 the provisions of Sections 14225, 14279, 14280, 14287, 14291,
19 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370,
20 18380, 18403, 18563, and 18569.

21 (e) A digest of the election laws with any further instructions
22 the county elections official may desire to make.

23 (f) An American flag of sufficient size to adequately assist the
24 voter in identifying the polling place. The flag is to be erected at
25 or near the polling place on election day.

26 (g) A ballot container, properly marked on the outside
27 indicating its contents.

28 (h) When it is necessary to supply additional ballot containers,
29 these additional containers shall also be marked on the outside,
30 indicating their contents.

31 (i) Sufficient ink pads and stamps for each booth. The stamps
32 shall be one solid piece and shall be made so that a cross (+) may
33 be made with either end. If ballots are to be counted by vote
34 tabulating equipment, an adequate supply of other approved
35 voting devices shall be furnished. All voting stamps or voting
36 devices shall be maintained in good usable condition.

37 (j) When a candidate or candidates have qualified to have his
38 or her or their names counted pursuant to Article 3 (commencing
39 with Section 15340) of Chapter 4 of Division 15, a sufficient

1 number of ink pens or pencils in the voting booths for the purpose
2 of writing in on the ballot the name of the candidate or candidates.

3 (k) A sufficient number of cards to each polling place
4 containing the telephone number of the office to which a voter may
5 call to obtain information about his or her precinct location. The
6 card shall state that the voter may call collect during polling hours.

7 (l) An identifying badge or insignia for each member of the
8 precinct board. The member shall print his or her name and the
9 precinct number thereon and shall wear the badge or insignia at all
10 times in the performance of duties, so as to be readily identified as
11 a member of the precinct board by all persons entering the polling
12 place.

13 (m) Facsimile copies of the ballot containing ballot measures
14 and ballot instructions printed in Spanish or other languages as
15 provided in Section 14201.

16 (n) Sufficient copies of the notices to be posted on the indexes
17 used at the polls. The notice shall read as follows: "This index shall
18 not be marked in any manner except by a member of the precinct
19 board acting pursuant to Section 14297 of the Elections Code. Any
20 person who removes, tears, marks, or otherwise defaces this index
21 with the intent to falsify or prevent others from readily
22 ascertaining the name, address, or political affiliation of any voter,
23 or the fact that a voter has or has not voted, is guilty of a
24 misdemeanor."

25 (o) A roster of voters for each precinct in the form prescribed
26 in Section 14107.

27 (p) In addition, the elections official may, with the approval of
28 the board of supervisors, furnish the original books of affidavits of
29 registration or other material necessary to verify signatures to the
30 precinct officers.

31 This section shall become operative on January 1, 1990.

32 SEC. 12. Section 15641 of the Elections Code is amended to
33 read:

34 15641. Section 15001 shall apply unless a court orders the
35 program held pending the conclusion of litigation challenging the
36 outcome of an election. If court action or an official recount is
37 initiated while the program is on deposit, the Secretary of State
38 shall make the program available to the court or the elections
39 official in whose jurisdiction the court action or recount takes
40 place, upon written request.

1 SEC. 13. Section 17502 of the Elections Code is amended to
2 read:

3 17502. (a) The following provisions shall apply to those
4 elections where candidates for one or more of the following offices
5 are voted upon: President, Vice President, United States Senator,
6 and United States Representative.

7 (b) The elections official shall preserve the following records
8 reflecting the appointment of precinct officials until 22 months
9 from the date of any election.

10 (1) Precinct officers' declaration of intention required by
11 Section 12321.

12 (2) Precinct board member applications specified in Section
13 12300.

14 (3) Order appointing members of the several precinct boards
15 and designating the polling places specified in Section 12286.

16 (4) Nominations for appointment to the precinct board by the
17 county central committee of each qualified political party
18 specified in Section 12306.

19 (5) Written orders appointing precinct board members or
20 designating the polling place for the precinct pursuant to Section
21 12327.

22 SEC. 14. Section 17503 of the Elections Code is amended to
23 read:

24 17503. (a) The following provisions shall apply to all state or
25 local elections not provided for in subdivision (a) of Section
26 17502. An election is not deemed a state or local election if votes
27 for candidates for federal office may be cast on the same ballot as
28 votes for candidates for state or local office.

29 (b) The elections official shall preserve the following records
30 reflecting the appointment of precinct officials until six months
31 from the date of an election.

32 (1) Precinct officers' declaration of intention required by
33 Section 12321.

34 (2) Precinct board member applications specified in Section
35 12300.

36 (3) Order appointing members of the several precinct boards
37 and designating the polling places specified in Section 12286.

38 (4) Nominations for appointment to the precinct board by the
39 county central committee of each qualified political party
40 specified in Section 12306.

(5) Written orders appointing precinct board members or designating the polling place for the precinct pursuant to Section 12327.

SEC. 15. Section 19005 of the Elections Code is amended to read:

19005. In the case of electrical failure or other emergency, the official conducting the election may direct that ballots may be marked by pencil or ink. In that event, the elections official may duplicate the voted ballot cards as provided in Section 15210 and count the duplicate ballots by automatic tabulating device, or may count the voted ballots pursuant to Article 5 (commencing with Section 15270) of Chapter 3 of Division 15.

~~SEC. 16. Section 21000 of the Elections Code is amended to read:~~

~~21000. The county elections official in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature any information and statistics that may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, precinct maps indicating the boundaries of municipalities, school districts, judicial districts, Assembly districts, senatorial districts and congressional districts, lists showing the election returns for each precinct in the county at each statewide election. If the county elections official stores the information and statistics in data-processing files, he or she shall make the files available, along with whatever documentation shall be necessary in order to allow the use of the files by the appropriate committee of the Legislature and shall retain these files until the next reapportionment has been completed.~~

~~Each precinct shall be identified according to the census tract or enumeration district in which it is located. When a precinct is divided among two or more census tracts or enumeration districts, the county elections official shall include an estimate of the proportion of the precinct's registered voters in each census tract or enumeration district. If the United States Bureau of the Census divides or alters any census tract or enumeration district between the time of an election and the census upon which the reapportionment is based, the county elections official shall~~

- 1 ~~provide whatever corrections or additional information may be~~
- 2 ~~necessary to reflect those changes.~~

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